IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 5680 of 2005

Between:

Ms. Vetti Veeramma, D/o. Poddaiah,
R/o. Chintur Village and mandal, Khammam District.

... PETITIONER

AND

1. The Mandal Revenue Officer, Chintur Mandal,
Chintur, Khammam District.
2. The Sub-Collector, Bhadrachalam, Khammam District.
3. The District Collector, Khammam.
4. The Commissioner of Tribal Welfare, Masab Tank,
Telugu Samkshema Bhavan, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of mandamus declaring the action of the respondents highhandedly demolishing the construction portion of the house of the petitioners situated nearby the toll-gate to the main road at Chintur Village and Mandal, of Khammam District on 18.8.2004 without following any due process of law and not taking any such action against the houses of more than 50 non-tribes situated very near to the toll-gate of the main road of Chintur Village, Khammam District as highly arbitrary, illegal, discriminatory and violative of Article 21 of the Constitution of India, and consequentially to direct the respondents to pay compensation of
Rs.3,75,000/- under public law remedy besides civil remedy.

Counsel for the Petitioner: MR. P.V.RAMANA

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER: -

This writ petition is filed seeking *mandamus* questioning the action of the first respondent at the instance of the second respondent in demolishing the house constructed by the petitioner without following due process of law and consequentially direct the respondents to pay compensation of Rs.3,75,000/- under public law remedy besides civil remedy.

2. It is the case of the petitioner that the tiled house constructed by him at the main tollgate of Chintur village was removed by the first respondent on the ground that he has encroached the R&B land. Thereafter the petitioner was asked to construct the house leaving 50 feet away from the center of the main road and accordingly he started construction by leaving 70 feet, but on 18-08-2004 the first respondent along with his subordinates, without issuing any prior notice or intimation, with the help of proclainer, got demolished the constructed portion of the petitioner.

3. The main contention of the learned counsel for the petitioner is that he has got constructed the house in his own patta land, but respondents without issuing any notice and without giving any opportunity got demolished the building with the help of proclainer on 18-08-2004 and that even though he made a representation on 19-08-2004 to all the higher authorities including the fourth respondent claiming compensation, the respondents have not considered the same.

4. Considering the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition directing the respondents to dispose of the representation submitted by the petitioner in accordance with law and pass appropriate orders after giving opportunity to the petitioner, within eight weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. No order as to costs.

_____

ELIPE DHARMA RAO, J

Dt.24-06-2005

GLV

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

Copy to:

1. The Mandal Revenue Officer, Chintur Mandal,
Chintur, Khammam District.
2. The Sub-Collector, Bhadrachalam, Khammam District.
3. The District Collector, Khammam.
4. The Commissioner of Tribal Welfare, Masab Tank,
Telugu Samkshema Bhavan, Hyderabad.

5. Two CCs. to the Government Pleader for Revenue,
High Court Buildings, Hyderabad. (OUT)

6. Two CD copies.

*Form-NIC-OGS/WP{**JGK**}*